

Docket No. CITI0044



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the U.S. Application of

Charles B. KATZ et al.

Group Art Unit: 2164

U.S. Serial No.: 08/914,789

Examiner: Akers, G.

Filed: August 20, 1997

For: METHOD AND SYSTEM FOR PERFORMING CRA, HMDA, AND FAIR
LENDING ANALYSIS AND REPORTING FOR A FINANCIAL INSTITUTION

TRANSMITTAL OF APPEAL BRIEF

Assistant Commissioner of Patents
Washington, D.C. 20231

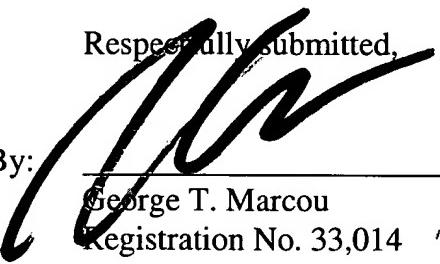
Sir:

Transmitted herewith, in triplicate, is the Appeal Brief in this application, with respect to the Notice of Appeal filed June 12, 2002. Pursuant to 37 C.F.R. 1.17(c), attached hereto is a check for \$320.00.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment to Deposit Account No. 501458.

Respectfully submitted,

By:


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Date:

12/12/02



#2510 Appeal
Brief

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12-18-02

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APPEAL BRIEF

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Commissioner of Patents
Washington, D.C. 20231

Sir:

This is an Appeal Brief under 37 C.F.R. § 1.192 in connection with the decisions of the Examiner in a final Office Action mailed on February 12, 2002. Each of the topics required by Rule 192 is presented herewith and is labeled appropriately.

(1) Real Party In Interest

The real party in interest is Citibank, N.A.

(2) Related Appeals And Interferences

There are no other appeals or interferences related to this case.

(3) Status Of Claims

Claims 2-4, 6-10 and 23 are pending and rejected. Claims 2-4, 6-10 and 23 are hereby appealed.

(4) Status of Amendments

There are no outstanding amendments.

(5) Summary Of The Invention

The present invention provides a method and system for collecting, standardizing, and analyzing lending data from all the offices of a financial institution (e.g., see spec. pg. 4, ll. 26-30), including information on small business, home equity, motor vehicle, credit card, mortgage, other secured and unsecured consumer products for commercial, community development, not-for-profit, and consortium customers (e.g., see spec. pg. 10, l. 31 through pg. 11, l. 3). The invention enables data collection and analysis in a timely fashion such that interim reports may be prepared so that changes in lending practices can be implemented to assist with assuring compliance with the fair lending acts (e.g., see spec. pg. 5, ll. 27-30 through pg. 6, l. 1). A central repository is linked to all of the offices of the financial institution, and data mapping features are used to provide standardized reporting so that all data will be reported in a standardized form (e.g., see spec. pg. 6, ll. 25-31). The system processes, collects and standardizes information on new loans, renewals, credit line increases and application decisions for all of the business units within a financial institution. (e.g., see spec. pg. 10, ll. 28-30). The present invention permits internal management reporting for review of performances against the CRA and HMDA plans (e.g., see spec. pg. 9, ll. 17-18). It also permits preparation of the reports for filing with the federal regulatory agencies, such as OCC, FRS and OTS (e.g., see spec. pg. 6, ll. 21-24). Furthermore, the present invention permits rapid response to federal regulatory agency audits of reported CRA and HMDA information (e.g., see spec. pg. 6, ll. 12-14).

(6) Issue

Whether the Examiner's rejection of claims 2-4, 6-10, and 23 under 35 U.S.C. 103(a) as being unpatentable over Whybrow ("Warehousing Benefits," Banking Technology, May 1995) in view of CFI Proservce's product "ProActive" (referenced by "CFI Proservces

Announces a New Software Product That Simplifies Fair Lending," PR Newswire, June 1, 1994), Prince ("Compliance Vendors Do Battle In Newly Competitive Market," Bank Systems & Technology, Vol. 32, No. 2, February 1995), and Business Journal-Portland ("CFI Proservices Exec Follows Impact Of Regulations On Banks," Business Journal-Portland, Vol. 10, No. 49, January 28, 1994) is proper.

(7) Grouping of Claims

Claims 2-4, 6-10 and 23 stand or fall together for purposes of this appeal.

(8) Argument

The Rejection of Claims 2-4, 6-10 and 23 Under 35 U.S.C. § 103(a) As Being Unpatentable over Whybrow in view of CFI Proservice's ProActive, Prince and Business Journal-Portland is Not Proper

In consideration and determination of obviousness for a rejection under 35 U.S.C. 103, the Examiner must follow Graham v. John Deere, 383 U.S. 1 (1966) and conduct the following four factual inquiries:

- (a) Determining of the scope and contents of the prior art;
- (b) Ascertaining the differences between the prior art and the claims in issue;
- (c) Resolving the level of ordinary skill in the pertinent art; and
- (d) Evaluating evidence of secondary considerations. MPEP 2141.

It is respectfully submitted that the Examiner improperly conducted at least the first two inquiries and thus improperly rejected claims 2-4, 6-10 and 23 under 35 U.S.C. 103(a). The reasons are set forth below.

The Examiner rejected independent claim 23 by citing Whybrow as the main reference and stating that the difference between Whybrow and the claim is the step of "normalizing" the data and "preparing reports...to indicate fair lending compliance." Final Office Action of 2/12/02, pp. 2-3. It is respectfully submitted that there are many more differences between Whybrow and claim 23. Whybrow merely describes in general the

concept and approach of data warehousing. In addition to the claimed "normalizing" and "preparing reports" steps, Whybrow does not disclose the specific and detailed steps of extracting first and second data having respective first and second formats, reformatting the first and second data into a universal format, parsing a first portion of the normalized data, geo-coding a second portion of the normalized data, determining any difference between the currently stored normalized data and the geo-coded data, and integrating the currently stored normalize data and the geo-coded data with their respective previously-stored data as claimed.

The Examiner cited various paragraphs in Whybrow to reject the aforementioned specific and detailed claimed steps. However, a review of those paragraphs and the Whybrow reference as a whole does not shed any light into how the Examiner could have reasonably interpreted the general data warehousing concept and approach discussed in Whybrow to include the specific and detailed steps in claim 23. For instance, the Examiner cited paragraph 3 of Whybrow to show the step of "parsing a first portion of the normalized data so as to form parsed data" in claim 23. Final Office Action of 2/12/02, p. 8. Yet, Whybrow's paragraph 3 merely states in relevant parts,

"...In essence, data warehousing means putting a single database above a company's existing systems. The warehouse is fed by the underlying systems, data is held in a standard, consolidated format, and all management reporting and analysis is then driven from this repository..." Whybrow, parag. 3.

How could such discussion disclose the claimed step of "parsing a first portion of the normalized data so as to form parsed data"? The same question is asked for each of the other specific and details steps in claim 23.

Furthermore, the Examiner cited the Prince and Business Journal-Portland references against claim 23 and yet made no mention of what aspects of claim 23 those references purportedly teach. It is respectfully submitted that such references neither disclose nor make obvious claim 23. Should the Examiner continue to assert these two references against claim

23, it is respectfully requested that clarification is made for these references with regard to the rejection of claim 23 under 35 U.S.C. 103.

Accordingly, it is respectfully submitted that claim 23 and its dependent claims 2-4 and 6-10 are allowable over the references of record.

Conclusion

For at least the reasons given above, the rejection of claims 2-4, 6-10 and 23 is improper. It is respectfully requested that such rejections by the Examiner be reversed and claims 2-4, 6-10 and 23 be allowed. Attached below for the Board's convenience is an Appendix of claims 2-4, 6-10 and 23 as currently pending.

Respectfully submitted,

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(9) Appendix

2. The method according to claim 23, further comprising:
transmitting said reports to at least one regulator of the financial institution.
3. The method according to claim 2, wherein the transmitting of said reports
further comprises transmitting the reports on a predetermined date to the at least one
regulator.
4. The method according to claim 2, wherein said regulators include the OCC,
FRS, FDIC, and OTS.
6. The method according to claim 23, wherein the extracting is performed on a
regular basis.
7. The method of claim 6, wherein the regular basis is a monthly basis.
8. The method of claim 23, wherein said plurality of sources includes branches of
the financial institution.
9. The method according to claim 8, wherein said plurality of sources includes at
least one from the group of bankcard processing centers, student loan processing centers,
business loan processing centers, and US territorial locations of the financial institution.
10. The method according to claim 23, wherein said reports include reports
required by federal regulators under the fair lending laws.

23. A computer implemented method of storing and compiling data for analysis and reporting regarding a financial institution's compliance with fair lending laws, said method comprising:

extracting first data from a first source wherein the first data is configured in a first format;

extracting second data from a second source wherein the second data is configured in a second format;

reformatting the first data into third data wherein the third data is configured in a universal format;

reformatting the second data into fourth data where the fourth data is configured in the universal format;

normalizing the third and fourth data into normalized data;

parsing a first portion of the normalized data so as to form parsed data;

geo-coding a second portion of the normalized data and the parsed data so as to form geo-coded data;

storing a third portion of the normalized data so as to form currently stored normalized data;

storing the geo-coded data so as to form currently stored geo-coded data;

determining if the currently stored normalized data differs from previously stored normalized data or if the currently stored geo-coded data differs from previously stored geo-coded data;

integrating the currently stored normalized data with the previously stored normalized data so as to form integrated normalized data if the currently stored normalized data differs from the previously stored normalized data;

integrating the currently stored geo-coded data with the previously stored geo-coded data so as to form integrated geo-coded data if the currently stored geo-coded data differs from the previously stored geo-coded data;

preparing reports from either a combination of the integrated normalized data and integrated geo-coded data or from a combination of currently stored normalized data and currently stored geo-coded data.